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Attorney for Defendant

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

United States of America,

Plaintiff,

v.

Jessica Spayd,

Defendant.

Case No. 3:19-cr-0111-JMK-MMS

MOTION IN LIMINE TO PREVENT  
THE GOVERNMENT FROM USING  
THE TERM 'VICTIM'

Jessica Spayd, accused, hereby moves this court to prohibit the government from using the term 'victim' in this trial to refer to the deceased persons listed in Counts 1 – 5 of the indictment.

*United States v. Jessica Spayd*  
Case No. 3:19-cr-0111-JMK-MMS  
Motion To Preclude Use of Word 'Victim'  
Page 1 of 3

‘Victim’ is defined by Merriam Webster as “one that is acted on and usually adversely affected by a force or agent.”<sup>1</sup>

In this case, the government alleges that Ms. Spayd’s prescriptions exceeded an objective standard when she prescribed some medications to various patients. The government further alleges that some of her patients died from overdoses of these prescriptions. Ms. Spayd disputes those allegations for several reasons. Among the reasons is that the evidence of causation between Ms. Spayd’s prescriptions and the deaths is disputed.

Because of this dispute, it is not clear at present whether a crime even occurred. If Ms. Spayd did not know or intend that her prescriptions were “unauthorized,” the recent standard enunciated in *Ruan*, then she is not guilty of a crime irrespective of another physician’s opinion about her practice. Since the very existence of a crime is disputed, it is inappropriate for the government to refer to anybody as a victim since the term presumes that the person was indeed harmed by Ms. Spayd’s conduct.

DATED this 14<sup>th</sup> day of September, 2022, at Anchorage, Alaska.

Steven M. Wells, PC  
Attorneys for Defendant

By: /s/ Steven M. Wells  
Steven M. Wells  
ABA #0010066

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<sup>1</sup> See <https://www.merriam-webster.com/dictionary/victim> (last visited September 14, 2022).

CERTIFICATE OF SERVICE

The undersigned hereby certifies  
that a true and correct copy of the  
foregoing was served **electronically**  
this 14<sup>th</sup> day of September, 2022, on:

All Parties of Record

/s/ Steven M. Wells .  
Steven M. Wells, PC

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Page 3 of 3